

LAW & MOTION TENTATIVE RULINGS  
DEPARTMENT 5  
June 9, 2022  
8:30 a.m./1:30 p.m.

**13. BRITTNEY HOUGHTON V. JOSE CARRERO**

**PFL20200451**

On March 18, 2022, Respondent filed a Request For Order (RFO) requesting modification of the parenting time schedule. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 22, 2022 and a review hearing on June 9, 2022. Petitioner was served by mail on March 22, 2022.

Respondent is requesting the current parenting schedule remain in place and that the minor attend Sutter's Mill Elementary beginning in the 2022-2023 school year. Respondent asserts Sutter's Mill Elementary is the best school for the minor as it has a higher rating than Northside School.

Parties attended CCRC on April 22, 2022 but were unable to reach an agreement. A CCRC report with recommendations was filed on May 13, 2022. A copy of the report was mailed to the parties on May 13, 2022.

Petitioner filed a Responsive Declaration on May 12, 2022. Respondent was served by mail and electronically on May 11, 2022. Petitioner requests the court deny Respondent's request for the minor to attend Sutter's Mill Elementary school. Petitioner requests the minor attend preschool at Federated Church for the 2022-2023 school year. Petitioner requests the minor attend Christian Legacy School in Auburn for the 2023-2024 school year. Alternatively, petitioner requests the minor attend Kindergarten at northside Elementary for the 2023-2024 school year. Petitioner agrees to maintain the current parenting plan.

On May 13, 2022, Respondent filed a Declaration with documents to support the minor attending Sutter's Mill Elementary. Petitioner was served by mail and electronically on May 31, 2022. The court notes there are four declarations by individuals attached to Respondent's Declaration. None of the four declarations are made under the penalty of perjury.

Respondent filed a Reply Declaration to the CCRC report on June 2, 2022. Under Code of Civil Procedure section 1005, a Reply must be filed at least five court days prior to the hearing. The court finds Respondent's Reply to be late filed. Further, parties were served with a copy of the CCRC report on May 13, 2022. Petitioner was served by mail and electronically on June 2, 2022. Despite the Reply being late filed, the court has read and considered it. Respondent reiterates his request to have the minor attend Sutter's Mill Elementary. Respondent asserts the CCRC counselor misstated him in the CCRC report, as he does not agree the minor should attend Northside Elementary.

On June 3, 2022, Petitioner filed a Supplemental Declaration, which the court deems to be a Declaration in Response to Reply. Under Code of Civil Procedure section 1005, a Declaration in Response to a Reply must be filed at least five court days prior to the hearing. The court finds the Declaration in Response to be late filed. Respondent was served by mail on

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June 2, 2022. Despite the Declaration in Response to the Reply being late the court has read and considered it. Petitioner objects to the statements contained in Respondent's May 13, 2022 Declaration as hearsay. The court finds the statements to be inadmissible hearsay and has not considered them. Petitioner renews her request for the minor to attend Christian Legacy School or in the alternative, attend Northside Elementary. Petitioner objects to the minor attending transitional kindergarten during her parenting time, and requests the minor continue to attend preschool at Federated Church.

The court has read and considered the filings as set forth above and makes the following findings and orders:

The court finds the recommendation contained in the CCRC report to be in the best interest of the minor. The court adopts the recommendation in the CCRC report as the court's order. The minor shall attend Northside Elementary school. The court finds that Northside Elementary School has a transitional kindergarten program. The court orders the minor to begin attending Northside Elementary School in the 2022-2023 school year in the transitional kindergarten program.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #13: THE COURT ADOPTS THE RECOMMENDATION IN THE CCRC REPORT AS THE COURT'S ORDER. THE MINOR SHALL ATTEND NORTHSIDE ELEMENTARY SCHOOL. THE COURT ORDERS THE MINOR TO BEGIN ATTENDING NORTHSIDE ELEMENTARY SCHOOL IN THE 2022-2023 SCHOOL YEAR IN THE TRANSITIONAL KINDERGARTEN PROGRAM. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**14. CAROL FAURBACH (CARLISLE) V. WILLIAM CARLISLE**

**PFL20150037**

On February 2, 2022 Petitioner filed a Request for Order (RFO) and Declaration requesting the court to find Respondent in violation of his conditional release terms following the court's finding of contempt against Respondent.

On March 17, 2022 the parties appeared before the court and the court found that service was improper as proof was not submitted showing Respondent was personally served. Following argument, with Respondent's consent, the court allowed service by certified mail and ordered Respondent to update his address with the court.

In Petitioner's April 6, 2022 Responsive Declaration filed with the court and served upon Respondent, Petitioner alleges that Respondent has provided conflicting information regarding his address. However, the court finds that Petitioner filed a Proof of Service by Mail indicating service by certified mail on Respondent of the RFO at the service address as stated by Respondent in open court at the March 17, 2022 hearing. As such, the court finds that Respondent has been served with the RFO and has been given an opportunity to respond to the issues raised by Petitioner.

On April 8, 2022, Petitioner filed an Order to Show Cause and Affidavit for Contempt against Respondent, which is set for hearing on June 9, 2022.

On April 15, 2022, Respondent filed an Objection to Motion for Violation of Contempt & Request for Long Cause Hearing, served by mail on Petitioner that same day. In this filing, Respondent acknowledges being served with the RFO but argues that he was not served with what he contends is the requisite OSC. Additionally, Respondent contends that his attorney appointed in the prior contempt action (heard in November 2021) was not served. Respondent requests sanctions against Petitioner as well.

On April 21, 2022, Respondent filed a Reply Brief & Request for Long-Cause Hearing & CRC 4.151 Motion for Change of Venue, served on Petitioner by mail the day prior.

At the April 28, 2022 hearing, the court continued the matter to June 9, 2022 and ordered that any new documents be filed at least 10 days in advance of that hearing. The court also denied Respondent request for change of venue without prejudice.

On April 29, 2022, Respondent filed a Special Appearance & Motion for Change of Venue, served on Petitioner by mail that same day.

On May 4, 2022, Petitioner filed a Proof of Service by Mail of a May 2, 2022 letter to Respondent's attorney in the prior contempt action, with a copy served on Respondent at his P.O. Box as listed on his filings, in which she noticed him of the upcoming hearing on the RFO and requested confirmation as to whether he still represents Respondent. That same day,

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Petitioner filed a Proof of Service by Mail indicating mail service on Respondent of a May 2, 2022 letter to him and the RFO, at another address for Respondent.

Also, on May 4, 2022, Petitioner filed an Opposition to Respondent's Motion to Change Venue; Objection to Respondent's Request for Special Appearance; Request for Family Code Section 271 Sanctions. Upon review of the file, the court finds that there is no proof of service indicating service of this filing on Respondent. As such, the court has not reviewed nor considered it.

On May 18, 2022, Petitioner filed a Proof of Electronic Service indicating service to Respondent's e-mail of the OSC for Contempt.

On May 20, 2022, Petitioner filed a Hearing Brief for the June 9, 2022 hearing, served on Respondent by mail on March 25, 2022. Petitioner requests that the court find that Respondent violated the terms of his conditional release, that the court sentence him to 50 days in jail (5 days for each of the 10 remaining counts of contempt), that the court order Respondent to pay Petitioner \$1,880.48 in Family Code section 271 sanctions, that the April 8, 2022 contempt action be set for trial, and that the court make any other orders it deems appropriate. Petitioner also states that based on communications with Respondent's attorney for the prior contempt action that he no longer represents Respondent.

On May 26, 2022, Respondent filed a Supplemental Declaration to Respondent's Special Appearance & Motion for Change of Venue & Request for Long-Cause Hearing, served on Petitioner by mail that same day.

On May 27, 2022, Petitioner filed a Proof of Service by Mail indicating service of a May 13, 2022 letter on Respondent and the OSC for Contempt by certified mail on May 16, 2022. That same day, Petitioner filed a Proof of Electronic Service indicating service to Respondent's e-mail of the RFO.

On June 2, 2022, Petitioner filed a Response to Respondent's Special Appearance & Motion for Change of Venue & Request for Long Cause Hearing, served on Respondent by mail that same day. Petitioner alleges that Respondent was evading service by the process server of the OCS for Contempt and requests the court authorize an alternate means of service.

Having considered the pleadings, the court makes the following orders:

Regarding the request to change venue, the court finds that Respondent has not provided any new or different information from his prior requests. Matters still remain pending in El Dorado County with several hearing dates set. In the interest of judicial economy, the court denies the motion with prejudice. The court may consider a change in venue in the future if and when the matters pending before the court are resolved.

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Regarding the OSC for Contempt, the court orders the parties to appear to address the service issue and to determine whether the court should authorize an alternate means of service.

Regarding the RFO for violation of the terms of conditional release, the court finds that this matter is properly before the court through the filing of an RFO. The court further finds that Respondent is no longer represented by his prior attorney. As the potential consequences of a violation of the conditional release is time in custody, the court finds that Respondent is entitled to legal representation and that he should be arraigned on the allegations. The court orders the parties to appear for appointment of counsel and possible arraignment.

The court reserves jurisdiction over both parties' requests for Family Code 271 sanctions.

Petitioner shall prepare and file the Findings and Order After Hearing.

**TENTATIVE RULING #14: THE COURT DENIES THE MOTION WITH PREJUDICE. REGARDING THE OSC FOR CONTEMPT, THE COURT ORDERS THE PARTIES TO APPEAR TO ADDRESS THE SERVICE ISSUE AND TO DETERMINE WHETHER THE COURT SHOULD AUTHORIZE AN ALTERNATE MEANS OF SERVICE. REGARDING THE RFO FOR VIOLATION OF THE TERMS OF CONDITIONAL RELEASE, THE COURT ORDERS THE PARTIES TO APPEAR FOR APPOINTMENT OF COUNSEL AND POSSIBLE ARRAIGNMENT. THE COURT RESERVES JURISDICTION OVER BOTH PARTIES' REQUESTS FOR FAMILY CODE 271 SANCTIONS. PETITIONER SHALL PREPARE AND FILE THE FINDINGS AND ORDER AFTER HEARING.**

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**15. DCSS V. ANTHONY KEENER (OTHER PARTY: NICOLE FUSON)**

**PFS20120124**

On January 28, 2022 Other Party filed a Request for Order (RFO) requesting the court to modify the current custody and visitation orders, as well as for an order modifying the current child support orders. The parties were referred to CCRC and the RFO was placed on the Law and Motion calendar. Other Party filed an Income and Expense Declaration the same day. On February 22, 2022 Other Party filed a Proof of Service by First-Class Mail showing service upon Respondent the same day. Other Party did not include an address verification.

On April 28, 2022, parties appeared for a hearing on the January 28, 2022 filed Request for Order (RFO). The court continued the issue of child support to June 9, 2022 at 1:30. The court reserved retroactive modification to the date of the filing of the RFO. The court made no changes to the current child support orders. The tentative ruling was adopted pending a trial date on the remaining issues. Parties were ordered to file and serve updated Income and Expense Declarations.

Respondent filed a Responsive Declaration on April 18, 2022. Other Party was served by mail on April 14, 2022. Respondent filed an Income and Expense Declaration on April 14, 2022. Other Party was served by mail on April 11, 2022. Respondent consents to guideline child support. Respondent is agreeable to a prorated share of daycare costs, so long as proof is provided as to the cost. Respondent is also agreeable to sharing the costs for medical, dental, orthodontia, and mental health services, but requests those costs be discussed prior to committing to them, to ensure there is a medical need. Respondent objects to paying an additional clothing allowance, as Respondent asserts that is incorporated into child support. Respondent is agreeable to sharing the expenses of agreed upon extracurricular activities. Respondent is requesting orthodontia costs be split evenly.

Neither party has filed an updated Income and Expense Declaration.

The court continues the request for child support to July 28<sup>th</sup> 2022 at 1:30 PM. Both parties are ordered to file updated Income and Expense Declarations, at least 10 days prior to the next hearing date. If Other Party fails to file an updated Income and Expense Declaration, the court may drop the matter from calendar, as Other Party is the party requesting modification of the prior child support order. The court continues to reserve jurisdiction for retroactive modification to the date of the filing of the RFO.

All prior orders not in conflict with this order remain in full force and effect. Other Party is to prepare and file the findings and orders after hearing.

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**TENTATIVE RULING #15: THE REQUEST TO MODIFY CHILD SUPPORT IS CONTINUED TO JULY 28<sup>th</sup> 2022 AT 1:30 PM. BOTH PARTIES ARE ORDERED TO FILE UPDATED INCOME AND EXPENSE DECLARATIONS, AT LEAST 10 DAYS PRIOR TO THE NEXT HEARING DATE. IF OTHER PARTY FAILS TO FILE AN UPDATED INCOME AND EXPENSE DECLARATION, THE COURT MAY DROP THE MATTER FROM CALENDAR, AS OTHER PARTY IS THE PARTY REQUESTING MODIFICATION OF THE PRIOR CHILD SUPPORT ORDER. THE COURT CONTINUES TO RESERVE JURISDICTION FOR RETROACTIVE MODIFICATION TO THE DATE OF THE FILING OF THE RFO. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. OTHER PARTY IS TO PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**16. JOSHUA HART V. CACIA HART**

**PFL20090851**

On March 22, 2022, Respondent filed an ex parte request for emergency temporary custody orders. On March 23, 2022, the court granted the ex parte request, granting Respondent temporary sole physical custody and professionally supervised visitation to Petitioner. On March 23, 2022, Respondent filed a Request for Order (RFO) and parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment in May 2, 2022 and a review hearing on June 9, 2022. Respondent was personally served on March 23, 2022.

Respondent requests the court order sole legal and physical custody to her and supervised parenting time for Petitioner. Respondent asserts the minor is at substantial risk in Petitioner's care as Petitioner has a Domestic Violence Restraining Order restraining him. Respondent also raises concerns about Petitioner's substance abuse, violence, drunk driving, and exposing the minor to domestic violence.

Petitioner filed an ex parte request for emergency temporary orders on April 18, 2022, requesting reinstate the prior custody orders and parenting plan. On April 19, 2022, the court denied the ex parte request and confirmed the CCRC appointment and review hearing previously set. On April 19, 2022, Petitioner filed an RFO requesting the return to the prior custody orders and parenting plan. Respondent was served by mail on April 19, 2022.

Parties attended the CCRC appointment on May 2, 2022 and were unable to reach any agreements. A CCRC report with recommendations was file on May 27, 2022. A copy was mailed to the parties on May 31, 2022. The court has read and considered the CCRC report and finds the recommendations to be in the best interest of the minor. The court adopts the recommendations as the court's order. The parties shall have joint legal custody. Respondent shall have primary physical custody of the minor. Petitioner shall have parenting time alternating weekends from Friday after school, or 3:00 pm until Sunday at 6:00 pm. Petitioner shall have no third parties present during his parenting time. Petitioner is to provide the court proof that when the minor is in his care, he is not sharing a residence with his current spouse. The court adopts the additional provisions. Parties are to use talkingparents.com or similar application to communicate about the minor. The court adopts the respect guidelines. Petitioner shall not consume alcohol, narcotics, or restricted dangerous drugs, except with a valid prescription, within 24 hours before or during his parenting time. Petitioner shall engage in counseling services for anger management and domestic violence dynamics. The minor is to continue in his current counseling services.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

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**TENTATIVE RULING #16: THE COURT ADOPTS THE RECOMMENDATIONS OF THE CCRC REPORT AS THE COURT'S ORDERS. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**17. KEVIN VANDELINDER V. BRIANA THORNTON**

**PFL20180810**

On March 4, 2022, Respondent filed a Request for Order (RFO) requesting the court modify the child custody and parenting time orders. Parties were referred to Child Custody Recommending Counseling (CCRC) for an appointment on April 6, 2022 and a review hearing on June 9, 2022. Petitioner was served by mail on March 11, 2022.

Respondent is requesting parenting time with the minors every Saturday from 10:00 am until 6:00 pm. Respondent asserts Petitioner has relocated with the minors out of El Dorado County and has not allowed her contact with the minors despite a court order authorizing phone contact. Respondent asserts she has not seen the minors in a year. Respondent also states she has been clean and sober for eight months, as of the filing of the petition. Respondent further asserts she has completed a substance abuse treatment program as well as parenting and anger management courses. Respondent has attached certificates of completion for those programs as exhibits.

Petitioner filed a Responsive Declaration on March 28, 2022. Respondent was served by mail on March 28, 2022. Petitioner requests the court deny Respondent's request. Petitioner requests the court order no parenting time for Respondent until she has nine months of clean drug tests and then the visits to be therapeutically supervised, with Respondent to pay the costs. Petitioner is requesting he have the discretion to liberalize Respondent's visitation.

Parties attended CCRC on April 6, 2022 and were able to reach one agreement. A report with the agreement and additional recommendations was filed on May 17, 2022. A copy of the report was mailed to the parties on May 18, 2022. The court has read and considered the report and finds the agreement and recommendations to be in the best interest of the minors. The court adopts the agreement and recommendations as the court's orders. Respondent will provide Petitioner's attorney with a copy of her drug tests. Petitioner shall continue to have temporary sole legal and physical custody of the minors. The minors are to be enrolled in reunification therapy. When the reunification therapist deems that it is in the minors' best interests to have contact with Respondent outside of reunification counseling, Petitioner shall have professionally supervised parenting time two times per week for two hours each at an agency in Sacramento. Respondent shall not bring any other individual to her supervised parenting time, including her minor infant. Respondent shall submit to hair follicle testing and provide the court and Petitioner's attorney with a copy of the results. Respondent shall continue to participate in and comply with the Marshall CARES drug testing policy. Respondent shall continue to participate in individual counseling as requested by her therapist and comply with her therapist's treatment recommendations. Respondent and the minors shall participate in reunification therapy as outlined in the CCRC report. Petitioner shall provide Respondent with the name and contact information of three therapists by June 24, 2022. Respondent shall select one of the three by June 30, 2022. The parties are to follow the therapist's treatment

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recommendations and the reunification sessions shall be terminated when the therapist deems it appropriate to do so. The parties shall use the talkingparents.com or similar application to communicate about the minors. Petitioner shall provide Respondent with an update about the minors' education, medical, and general welfare issues.

All prior orders not in conflict with this order remain in full force and effect. Respondent shall prepare and file the findings and orders after hearing.

**TENTATIVE RULING #17: THE COURT ADOPTS THE AGREEMENT AND RECOMMENDATIONS AS CONTAINED IN THE CCRC REPORT AND OUTLINED ABOVE. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. RESPONDENT SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**19. LORRIE STERN V. PETER STERN**

**PFL20210628**

On May 2, 2022, Petitioner filed an Order Shortening Time and Request for Order (RFO). Petitioner is requesting the parties sell their home as soon as possible. On May 2, 2022, the court granted the Order Shortening Time and set the RFO for a hearing on June 9, 2022. Petitioner was ordered to serve Respondent with the RFO on or before May 12, 2022.

Petitioner filed an Income and Expense Declaration on April 29, 2022. There is no Proof of Service showing Respondent was served.

Upon review of the court file, there is no proof of service showing the RFO was served on Respondent.

Nevertheless, Respondent filed a Responsive Declaration on May 24, 2022. Upon review of the court file, there is no proof of service showing the Responsive Declaration was served on Petitioner.

Petitioner filed a Reply Declaration on May 27, 2022. Respondent was served electronically On May 27, 2022. Petitioner agrees with Respondent that a portion of the down payment came from his inheritance, however, Petitioner disputes the amount. Petitioner disputes Respondent is making all necessary payments for the family home. Petitioner asserts all vehicles and boats remain at the family residence. Petitioner asserts there is no conflict of interest by having Dana Horne list the home for sale, as Petitioner has agreed not to take a referral fee. Petitioner renews her request to sell the home immediately.

Respondent has not filed an Income and Expense Declaration.

Parties are ordered to appear.

**TENTATIVE RULING #19: PARTIES ARE ORDERED TO APPEAR.**

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**20. MARIA VARGAS-COOK V. REILLY COOK**

**PFL20180521**

Minor's Counsel filed a Request for Order (RFO) on March 14, 2022, requesting the court modify the parenting time to allow the minor M.C. to determine when she visits with Petitioner and to suspend joint therapy between Petitioner and the minors. The matter was set for a hearing on June 9, 2022. Parties were served by mail on March 14, 2022.

On March 15, 2022, Petitioner filed an ex parte request for emergency orders. The court denied the request on March 16, 2022 and referred the parties to Child Custody Recommending Counseling (CCRC) for an appointment on April 21, 2022 and a review hearing on June 9, 2022.

On March 21, 2022, Respondent filed a Responsive Declaration to Minors' Counsel's RFO stating he is in agreement with the requested orders. Petitioner and Minor's counsel were served electronically on March 21, 2022.

On March 29, 2022, Petitioner filed a RFO requesting a change in child custody and parenting time, as well as a request for attorney fees. Respondent and Minors' Counsel were served electronically on April 19, 2022. Petitioner is requesting sole legal custody of the minor M.C. with Respondent to have sole physical custody. In her declaration, petitioner requests the minors reside with her for the remainder of the school year and all future school years. Petitioner is also requesting a modification of the summer schedule and holiday schedule. Petitioner requests the court award her Family Code section 2030 attorney fees in the amount of \$25,000.

Parties attended CCRC on April 21, 2022. A report was filed on May 24, 2022 and copies were mailed to the parties on May 24, 2022. The parties were unable to reach any agreements. The CCRC counselor requests the court order the minors be made available for an interview and a new CCRC appointment be set along with a further review hearing.

The court orders the minors are to be interviewed by the CCRC counselor. The court sets a further CCRC appointment on June 15<sup>th</sup>, 2022 at 1:00 PM with Rebecca Nelson. If Respondent fails to make the minors available for the CCRC interview, the court will consider imposing sanctions against Respondent. The court continues the review hearing to July 21<sup>st</sup>, 2022 at 1:30 PM.

The court finds Petitioner has failed to adequately plead the request for Family Code section 2030 attorney fees. She has not included the FL-319 or the FL-158. Further Petitioner's Income and Expense Declaration was filed in February and is now stale. Therefore, the court denies Petitioner's request for attorney fees.

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The court grants Minors' Counsel's request to terminate joint therapy between the minors and Petitioner. The court continues the request to allow the minor M.C. to determine when she visits with Petitioner to join with the review hearing as set forth above.

All prior orders not in conflict with this order remain in full force and effect. Minors' Counsel shall prepare and file the Findings and Orders after hearing.

**TENTATIVE RULING #20: THE COURT GRANTS MINORS' COUNSEL'S REQUEST TO TERMINATE JOINT THERAPY BETWEEN THE MINORS AND PETITIONER. THE COURT ORDERS THE MINORS ARE TO BE INTERVIEWED BY THE CCRC COUNSELOR. IF RESPONDENT FAILS TO MAKE THE MINORS AVAILABLE FOR THE CCRC INTERVIEW, THE COURT WILL CONSIDER IMPOSING SANCTIONS AGAINST RESPONDENT. THE COURT SETS A FURTHER CCRC APPOINTMENT ON JUNE 15<sup>TH</sup>, 2022 AT 1:00 PM WITH REBECCA NELSON. THE COURT CONTINUES THE REVIEW HEARING TO JULY 21<sup>ST</sup>, 2022 AT 1:30 PM. THE COURT CONTINUES THE REQUEST TO ALLOW THE MINOR M.C. TO DETERMINE WHEN SHE VISITS WITH PETITIONER TO JOIN WITH THE REVIEW HEARING. ALL PRIOR ORDERS NOT IN CONFLICT WITH THIS ORDER REMAIN IN FULL FORCE AND EFFECT. MINORS' COUNSEL SHALL PREPARE AND FILE THE FINDINGS AND ORDERS AFTER HEARING.**

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**21. MARK FORD V. BEVERLY FORD**

**22FL0295**

On April 5, 2022, Petitioner filed an application for entry of judgement on Sister State Money-Judgment. Petitioner filed a Proof of Service showing Respondent was served by mail, however, no date of service is indicated. The Proof of Service was signed on April 5, 2022 and filed on the same date.

Respondent filed a Request for Order (RFO) on May 3, 2022, requesting to Vacate the entry of Sister-State Judgement. Petitioner was served by mail on May 4, 2022. Respondent requests the court vacate the Sister State Money Judgment but provides no grounds or argument on why the judgement should be vacated.

Petitioner filed a Responsive Declaration on May 23, 2022. Respondent was served by mail on May 21, 2022. Petitioner requests the court deny Respondent's request to vacate the entry of the Sister State Money-Judgment as Respondent has failed to state any grounds for her request relief. Petitioner states Respondent has failed to comply with the conditions of the divorce decree from 2009 and the judgment from Clark County, Nevada entered on September 29, 2021. The order states Defendant, Beverly Ford, "shall have until December 1, 2021 to refinance or remove Plaintiff's, Mark Ford, name from the home. If Defendant has not done so, Plaintiff shall have the ability to take possession and cause the home to be sold with the net proceeds from the sale being protected until the parties come to an agreement or a court order as to how to divide them. Plaintiff will be the sole person to sign papers and be in complete control of the sale. Defendant shall maintain the home and a lock shall be installed."

The court finds Respondent's RFO to vacate the entry of judgment to be timely, as it was filed within 30 days of the entry of judgement. The Sister State Money-Judgements Act (SSMJA, CCP 1710.10 et seq) establishes a procedure for enforcing a sister state judgment for the payment of money. Petitioner's application for entry of a judgement does not involve a money judgment, in fact on the application, Petitioner states the amount to be collected is zero. It appears Petitioner's intention is to enforce the judgement for Respondent to either refinance the property or for Petitioner to sell the property. The court finds the SSMJA is not the proper vehicle for enforcement of the Clark County, Nevada order. Therefore, the court grants Respondent's request to vacate the entry of judgment. Petitioner may have remedies available through the court in Clark County, Nevada for enforcement of the order.

**TENTATIVE RULING #21: THE COURT VACATES THE SISTER STATE MONEY-JUDGEMENT.**

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**22. PAUL DAVENPORT V. KENDRA DAVENPORT**

**PFL20180469**

On April 28, 2022, the court adopted its tentative ruling. The court modified the child support payment, finding guideline child support to be \$635. The order was effective February 1, 2022. The court found this order may result in an overpayment of \$823 per month for the months of February through April inclusive. However, it was unclear if Petitioner had been making the child support payments. The court reserved jurisdiction on the potential overpayment and set a further review hearing for June 9, 2022 at 1:30 pm. Parties were ordered to file declarations as to the current status, whether there are arrears owed or if all child support payments had been paid in full. The declarations were to be filed at least 10 days in advance. The court advised parties failure to file supplemental declarations would result in the court dropping the matter from calendar. All prior orders remained in full force and effect.

Parties have not filed any supplemental declarations; therefore, the court drops the matter from its calendar.

**TENTATIVE RULING #22: THE MATTER IS DROPPED FROM THE COURT'S CALENDAR.**

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**23. ZACHARY CARTER V. SAMANTHA CARTER**

**PFL20210579**

On February 25, 2022 Petitioner filed an ex parte request for order requesting temporary sole custody of the minors and for Respondent to commence and complete Phase I of testing per the parties stipulation prior to progressing to Phase II.

The court denied the ex parte request to change custody on February 28, 2022. The court granted the ex parte request for Respondent to commence Phase I of substance abuse testing per the parties January 3, 2022 agreement. The court reiterated the prior agreement of the parties to adopt the recommendations from the November 9, 2021 Child Custody Recommending Counseling report. Petitioner filed a Request for Order (RFO) on February 28, 2022. It was served electronically on the same day. A hearing was set for April 14, 2022 for Petitioner's Request for Order.

Petitioner is requesting the court order he have physical custody of the minors pending Respondent's full participation in drug and alcohol testing with Francine Farrell and a sufficient number of negative tests have been provided as well as Respondent providing proof of attendance at AA.

On April 7, 2022, Petitioner filed a Supplemental Declaration. Respondent was served electronically on the same day.

On April 7, 2022 Respondent filed a Declaration with attached drug test results. On April 8, 2022 Respondent filed a Declaration with an Additional test result attached. On April 8, 2022 Respondent filed a Declaration responding to Petitioner's Supplemental Declaration. On April 12, 2022, Respondent filed a Proof of Service stating Petitioner had been served electronically with a "Declaration". It is unclear which declaration was served, as three were filed between April 7, 2022 and April 8, 2022.

On April 14, 2022, parties appeared for a hearing on Petitioner's Request for Order (RFO). The court continued the matter to May 12, 2022 to allow for the late filings to be considered. Respondent was ordered to serve Petitioner with a copy of her AA attendance forthwith. The court ordered the stipulation and agreement of the parties remained in full force and effect. Respondent's parenting time was to be supervised by a third party or agency. The minors were to have no contact with Mr. Samuel Caldwell.

On March 16, 2022, Respondent filed an Order to Show Cause and Affidavit for Contempt. On May 4, 2022, respondent filed a request to continue the hearing set for May 12, 2022 as she had not yet served the notice on the Order to Show Cause. The court granted the request and continue the hearing to June 9, 2022. Petitioner was personally served on May 18, 2022. Parties are ordered to appear for arraignment.

On May 4, 2022, all matters were continued to June 9, 2022.

LAW & MOTION TENTATIVE RULINGS

DEPARTMENT 5

June 9, 2022

8:30 a.m./1:30 p.m.

On May 5, 2022, Petitioner filed a Supplemental Declaration. Respondent was served electronically on May 5, 2022. Petitioner asserts he has not received any additional AA meeting verification from Respondent. Petitioner states Respondent has not engaged in supervised parenting time with the minors. Petitioner is requesting the court maintains the current custody and parenting plan in place. Petitioner further requests Respondent sign up with a supervising agency forthwith to begin her supervised parenting time.

Respondent filed a Declaration on June 2, 2022. Petitioner was served electronically on June 2, 2022. Respondent asserts in her Declaration that she is still seeking contempt charges. Further, Respondent asserts Petitioner is planning to relocate to Tennessee with the minors. Respondent is seeking a return to the prior custody and parenting time orders. Respondent attached an AA attendance sheet.

Parties are ordered to appear.

**TENTATIVE RULING #23: PARTIES ARE ORDERED TO APPEAR FOR ARRAIGNMENT ON THE CONTEMPT AS WELL AS THE REVIEW HEARING.**